

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	11 C 5244	DATE	8/4/2011
CASE TITLE	Otis Jordan (N-60672) vs. Lieutenant Kirk, et al.		

DOCKET ENTRY TEXT

As stated below, Plaintiff has not stated any valid federal claim for relief and has not shown that this court has subject matter jurisdiction, the instant action is dismissed. Civil case terminated.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Pursuant to 28 U.S.C. § 1915, “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action . . . fails to state a claim on which relief may be granted. . . .” *Id.* In the instant action, Plaintiff Otis Jordan (Jordan) filed a *pro se* complaint, which the court liberally construes. Jordan alleges that he is incarcerated and that the medical staff at the prison provided him with crutches after he injured himself playing basketball. Jordan contends that on one occasion Defendant Lieutenant Kirk (Kirk) temporarily took his crutches, after Jordan stated he “didn’t like the crutches nor did [he] want them,” but that according to the doctor, he “had to use them to get around with. . . .” (Compl. 2). Jordan contends that he asked for the return of the crutches, stating that he needed them to return to his cell and that after 20 minutes Kirk gave Jordan his crutches and he returned to his cell. Jordan alleges that he then filed multiple grievances concerning the incident with Kirk. Jordan also contends that the prison officials did not follow certain grievance procedure rules and prison officials handling the grievances were “covering . . . up” the facts. (Compl. 4). Jordan seeks \$500,000 in punitive damages as relief. Jordan has not alleged any specific facts concerning conduct by Kirk that would plausibly suggest a valid federal claim against Kirk. Even if Kirk temporarily took the crutches from

STATEMENT

Jordan, Jordan has not alleged facts that would suggest he suffered any harm. To the extent that Jordan contends that the prison officials handling the grievances were “covering . . .up” the facts, Jordan fails to provide sufficient specific facts to plausibly suggest such misconduct. Therefore, since Jordan has not stated any valid federal claim for relief and has not shown that this court has subject matter jurisdiction, the instant action is dismissed.